

AMENDED VERSION

IN THE SPECIFICATION:

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a divisional application of United States Patent Application Serial No. 10/095,720, filed March 12, 2002, which is incorporated herein by reference.

IN THE CLAIMS:

1. (Original) A bone plate assembly utilizing at least one bone screw for fixation of adjacent bones of a spine comprising:

a base plate including at least one aperture extending therethrough;
and

screw retaining means mounted on and movable relative to said base plate between locked and unlocked positions about said aperture, said screw retaining means including a recess shaped to substantially encompass a head of the bone screw for preventing the bone screw from backing out from said base plate.

2. (Original) The bone plate assembly according to claim 1, wherein said base plate further includes a longitudinal axis defined by a first end and a second end and a length along said axis sufficient to span between the adjacent vertebrae, said base plate further including an upper and a lower surface, said lower surface being adapted to engage the bones.

3. (Original) The bone plate assembly according to claim 2, wherein said base plate is curved transverse to said longitudinal axis to conform the bone plate to the curvature of the vertebrae.

4. (Original) The bone plate assembly according to claim 1, wherein said at least one aperture is selected from the group consisting of a circular hole, a bore, a slot, and polygonal opening.